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# Review of the functioning of the United Nations International Civil Service Commission

## Report by the Administrative Committee on Coordination

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# I. INTRODUCTION

1. In section II of its resolution 44/198 H of 21 December 1989, the General Assembly requested the Secretary-General, together with his colleagues in the Administrative Committee on Coordination (ACC) and after consultations with the representatives of staff participating in the International Civil Service Commission (ICSC), to review the functioning of the Commission and to submit to the General Assembly at its forty-sixth session a report on the matter together with the views of the Commission thereon.

2. At its forty-fifth session the General Assembly adopted resolution 45/241 in which it added a further request in connection with the report. In section II of that resolution it requested the Secretary-General and his colleagues in the Administrative Committee on Coordination, in preparing the report on the review of the functioning of the Commission, in accordance with section II, paragraph 1, of resolution 44/198, to recommend alternative measures to improve the Commission's functioning.

3. The present report contains ACC's views and recommendations on the functioning of ICSC. In preparing this report ACC has consulted with staff representatives. The views of some members of the Commission expressed individually in the course of discussion of this document have also been included. However, the views of the Commission as a whole on this report will be issued in a separate document.

4. The International Civil Service Commission (ICSC) was established in 1974 for the regulation and coordination of the conditions of service of the United Nations common system. The statute was adopted on 18 December 1974, at the end of a period of intense discussions and consultations between Member States, executive heads of participating organizations and the staff representatives. The statute reflects the delicate balance of agreements reached between these three interested parties.

5. From 1949 until the Commission's creation, major policy decisions in the personnel area had been taken by ad hoc review bodies. The United Nations General Assembly which, in 1970, took the initiative to establish an international commission for the regulation and coordination of the conditions of service of the United Nations common system, was convinced that it would be better served by a central regulatory body of independent experts rather than the ad hoc governmental review bodies which had been instituted for this purpose up until that time.

6. Many consider that, overall, ICSC has functioned relatively well, and that its statute is a healthy instrument; they are concerned that the difficulties experienced in ICSC's functioning - particularly in more recent years - stem not from any inherent statutory deficiency, but from the manner in which the statute has been interpreted. Nevertheless, over the past 15 years, many criticisms of ICSC's functioning have been voiced. ICSC has sometimes responded positively to these criticisms as, for example, in the

case of providing for the presence of organizations and staff representatives at those meetings of the Commission at which decisions are taken.

7. A number of frustrations remain, however, and it is to these that the current review is directed. Seen from the organizations' standpoint, the criticisms fall into three broad groups:

(a) Increasing politicization;

(b) ICSC's lack of appreciation for the differences between organizations of the common system;

(c) An overburdened work programme and an increasingly regulatory approach to personnel policy issues.

8. The most complex area relates to the nature of the Commission whose success depends on the confidence that it commands and the independence it manifests. It has to be credible to function effectively. Yet, only too often, criticisms are voiced which strike at the very heart of its credibility and of the independence of its members. Indeed, some members of ICSC itself have concluded that there is a need to enhance its credibility and independence so as to reinforce its role vis-à-vis the United Nations General Assembly and other governmental bodies.

9. While ICSC is, by its statute, a subsidiary organ of the General Assembly, it is unique in that its decisions and recommendations directly affect the work of all organizations in the common system. Yet the Commission has given the impression of ignoring differences between those organizations - in terms of their size, type of operation and programme objectives. There is also the common complaint that ICSC's work programme needs more order and coherence with more attention given to priority issues.

10. There is a wider perspective that goes beyond the functioning of ICSC itself and hinges on the relationship between ICSC and the Fifth Committee of the General Assembly. Many problems in the way in which ICSC functions stem from the Fifth Committee's perceived interference in the functioning of this body of independent experts. In recent years, there has been little communication between ICSC and the Fifth Committee and this lacuna must be set right. Many feel that it is inappropriate for the Fifth Committee to reject or to amend recommendations of ICSC without having the benefit of the views of ICSC and its interlocutors.

11. The recommendations contained in the present report should also be seen against the backdrop of the development of staff/management relations since the Commission's inception in 1975. There have been marked strides in the process of negotiating the conditions of service of public officials in national civil services; these are reflected in a number of international instruments which have been adopted by the International Labour Organisation (ILO). There has, however, been little or no reflection of these processes in the way in which ICSC or the Fifth Committee have set about determining the

conditions of service of staff in the common system. Moreover, the consultative partnership between the Commission, the organizations and the staff - so carefully elaborated in ICSC's statute - has been, in the view of many, reduced to a procedural formality. It is not surprising, therefore, that the Federation of International Civil Service Associations (FICSA) has expressed dismay at the "superficial and wholly inadequate level of consultation" in the functioning of ICSC.

12. The recommendations, as formulated in sections III to VI of the present document, do not call for change in the ICSC statute. Nevertheless, it is appropriate to recall that amending the statute of ICSC is a complex matter. The statute can be changed only by the General Assembly and all changes require ratification by the organizations participating in ICSC. This is a lengthy process.

13. The major structural reforms referred to in section II would call for a completely revised set of legislative instruments and even possibly for amendments to the Agreements between the United Nations and the organizations participating in the common system concerning coordination in personnel matters.

14. In considering the recommendations proposed in the report, it is important to underline at the outset that, whatever institutional changes might be proposed at the end of this review, the efficient and effective working of any structure or body such as ICSC is dependent not only on its legal or statutory provisions, but on the way those provisions are applied and also on a positive spirit on the part of the members of the Commission, the secretariat and the partners in the consultative process, to make those provisions work effectively.

## II. ALTERNATIVE STRUCTURES

15. In its resolution 45/241, the General Assembly requested the Secretary-General and his colleagues in the Administrative Committee on Coordination "to recommend alternative measures to improve the Commission's functioning". In the light, inter alia, of the views expressed by a number of delegates at the forty-fifth General Assembly that consideration be given to alternative structures for ICSC, including one more akin to the United Nations Joint Staff Pension Board, such alternative measures in respect of ICSC's way of working have been deemed to cover alternative structures to ICSC itself.

16. FICSA has put forward a proposal to establish a new framework for negotiation of conditions of service which has been carefully considered by ACC. The current review of ICSC's functioning, therefore, has provided an opportunity to examine the current arrangements for the determination of employment conditions in the common system and to consider bold alternatives without prejudicing action to reform and improve the current ICSC structure.

### A. A tripartite structure

17. The restructuring of ICSC into a tripartite "Pension Board" type structure with equal representation of the General Assembly and the other legislative bodies, the executive heads and the staff has been looked into. The strengths and weaknesses of such a structure are well known; it does seem to work when the body which takes the final decisions (the Fifth Committee) has full confidence in its own representatives. If the Fifth Committee does not have this confidence, then the proposals emanating from the tripartite body are as likely to be subject to revision and rejection as those from a body without representatives of Member States.

18. It is recalled that one essential element in the creation of ICSC was the participation of independent experts - not representatives responsible to their own Member State. It was intended that these independent experts would have the confidence to stand up to all the protagonists in the debate on conditions of service. The organizations held firmly to the view that a central body of experts would be more effective and more independent than the ad hoc intergovernmental committees which preceded ICSC. There would not appear to be any reason to change that conviction. Thus it is not proposed to pursue the alternative which would replace ICSC with a tripartite body like the Pension Board.

### B. A joint negotiating committee

19. ACC has also given careful consideration to the proposal made by FICSA to establish a joint negotiating committee to determine conditions of employment.

20. In FICSA's view, such a structure would provide for "a negotiating body" which would "be bipartite composed of representatives of the employers and staff authorized to negotiate an agreed position on items on the agenda and adopt joint recommendations to the legislative body for final decision". This legislative body could be made up of members from the various legislative organs of all participating organizations of the common system or could be the governing body of one or other organization such as ILO. It could accept or reject the committee's recommendations.

21. These broad outlines are seen as a positive step in the direction of reflecting in the United Nations common system the practices in a number of Member States of negotiating conditions of employment of civil servants. Such a structure of negotiation would allow those who had to operate the system (the administrations) and those who worked for that system (the employees) to be much more closely associated with the decisions which they had to put into effect or which directly affected them.

22. On the other hand, there are legal, political and procedural concerns about such a proposal. It represents a very major change from the current arrangements which have been built on the agreements between the specialized agencies and the United Nations in the area of coordination of personnel

matters. In some cases, for example, these agreements contain references to the establishment of an international civil service commission to advise on the means by which common standards of recruitment might be ensured. It is also unlikely that the General Assembly would be willing to cede its authority to another governing body or to a legislative body composed of representatives of various legislative organs. Nor is it evident that representatives of the governing bodies would be willing to participate in such a legislative body. It is also unclear how many organizations would be represented on the joint committee, how agendas be would agreed upon and what would happen in the event of deadlock between the interested parties.

23. At this stage, therefore, ACC prefers not to pursue either of the alternative structures, but to concentrate on the presentation of a number of alternatives to enhance the functioning of ICSC within the existing statutory provisions.

## III. SELECTION PROCESS FOR MEMBERS OF THE COMMISSION

24. The most crucial aspect of the functioning of ICSC is the confidence it commands. Confidence can be assured only by guaranteeing technical expertise and independence and, to the extent possible, by depoliticizing the nomination and appointment procedures of the Commission.

25. It is evident that the process leading to the appointment of members has become increasingly an "in-house" affair with the accent on the nomination of former ambassadors or of others known to members of the Fifth Committee. There have not been any serious searches to find candidates outstandingly qualified to be Commission members.

26. It is quite probable that those who drafted the statute were confident that nominations would result from "quiet diplomacy" between the consulting partners (the Member States, the organizations and the staff bodies). This is not, however, the case; power in the process has shifted completely to the General Assembly. In reality, the list of nominees is the prerogative of the regional groups in the General Assembly and if agreement cannot be reached within the regional group an election ensues. The members of ICSC have commented that the problems are due to the fact that the consultations envisaged in article 4 of the statute have not been "properly formulated or followed up".

27. This does not mean that the members selected have not been up to the job, but increasing dependence on a political process can only call into question the ability of members to withstand political pressures. The greater the political pressure, the weaker will be the credibility of members as independent experts.

28. A number of suggestions for improvement have been considered. Among these are: (a) the development of a profile of "qualification" requirements; (b) the creation of a tripartite search committee to draw up short lists of

candidates; (c) the establishment of a mechanism to delink ICSC appointment procedures from those of other, strictly United Nations, bodies; (d) the development of a tripartite slate of members (eight proposed by Member States, four by executive heads and four by the staff bodies); and (e) provision for the exercise of a veto on nominations by a combination of two of the three partners in the process. Consideration has also been given to the terms of appointment of the members to balance the need for turnover with that for continuity.

29. Before looking into these suggestions in more detail, it is proper to ask if the selection and appointment process can be improved. In another context, that of the selection of the United Nations Secretary-General, one answer has been provided by Brian Urquhart and Erskine Childers, 1/ which is apposite to the selection of members of the Commission. Urquhart and Childers write:

> "Would an alternative to the present haphazard, increasingly parochial, predominantly political process in fact produce better results? And would Governments, not to mention candidates, be prepared to accept the kind of scrutiny, expert advice and wider canvassing which are considered both normal and essential in great enterprises in non-governmental and private sector? ... We assume that the present process can be improved, and that the conditions of our changing world demand it. We do this in full knowledge that the political aspect of the matter cannot be ignored, and also that the character of the United Nations inclines to trading and lobbying."

30. Of the proposals considered, three which are interlinked are considered essential; these are (a) the need to delink ICSC appointment procedures from those of other United Nations bodies, (b) the creation of a tripartite search committee to develop a roster of suitable candidates for appointment to ICSC on the basis of (c) a profile of qualification requirements. After consideration, the suggestions relating to developing a tripartite slate of members and providing for the exercise of a veto have not been pursued. The proposal to create a tripartite slate was weakened by the "representation" status which would inevitably be vested in the members nominated by different constituencies and, in consequence, their loss of independence. The provision of a veto was rejected on the grounds that it would exacerbate the difficulty of finding nominees who command the confidence of all parties.

### A. Delinking ICSC appointments from those of other United Nations bodies

31. It is proposed that a review be undertaken with the Fifth Committee to devise a mechanism which would delink the nomination and appointment procedure for ICSC members from that for members of strictly United Nations bodies such as the Advisory Committee on Administrative and Budgetary Questions. Within such a mechanism, recognition could be given to the need for geographical balance. Changing the timing of the appointments so that they do not coincide with other Fifth Committee elections would be one possible positive change.

32. To this end, guidelines would be issued by the Secretary-General, on behalf of ACC, which would define such a mechanism and would complement the arrangements already decided upon by ACC for the timing of nominations. An early decision on which regions should be considered for appointment to seats becoming vacant in the Commission would be a useful first step.

33. A tripartite search committee, composed of representatives of Member States, the executive heads and the staff bodies, would then put forward three or four names of candidates from the region in question for each seat.

### B. The tripartite search committee

34. As mentioned above, a tripartite search committee would be created, made up of representatives of the Member States (with each of the regional groups represented), of the executive heads and of the staff bodies to draw up a roster of candidates for nomination as Commission members. Members of the search committee would be designated to search actively for candidates who would be interviewed and screened on the basis of the profile of qualification requirements designed for the purpose. The search committee would prepare its roster well in advance of seats falling vacant in ICSC.

### C. A profile of qualification requirements

35. Article 3 of the statute lays down that the members of the Commission shall be appointed in their personal capacity as individuals of recognized competence who have had substantial experience of executive responsibility in public administration or related fields, particularly in personnel management. To amplify this article, a profile would be developed indicating the qualifications, experience and other attributes required of candidates. Candidates could, for example, be required to have wide national and international experience in public administration, preferably including personnel management areas and also some experience of the way in which the United Nations common system works. They could be further assessed as to their approach to, or experience of, modern labour/management relations. The ability of candidates to relate to modern trends in personnel management might also be incorporated in such a profile.

36. Such a profile would have to be used judiciously; candidates who match profiles perfectly do not necessarily make the "best" Commission members, nor do generalists or those without personnel management experience appear to be the "worst". In fact, experience shows that those with a more general background and intellectual curiosity may well prove to be the more farsighted members of the Commission, unencumbered by the constraints of their own professional experience. Nevertheless, the time has come when the process of finding well-qualified candidates has to be improved upon, and potential candidates would not be considered unless they met the requirements described in the profile.

37. In the past, ICSC members have tended to be current or retired government employees (largely within the diplomatic service). They rarely, if ever, had private sector specialized experience. While government experience is relevant, this excessive convergence on one type of experience has been counter-productive. Therefore, efforts should be made to identify candidates from other types of environments, including the private sector. Consideration may be given in that case to providing a reasonable fee to non-full-time members for their attendance at Commission sessions.

38. FICSA has commented that, in its view, the Commission should largely be composed of members who are neither in government service, nor - ideally - nationals of the major donor countries. For FICSA, nominations should reflect the need for independence both as perceived and real.

39. In consequence of the above points, the following are recommended:

Recommendation 1: ACC should enter into discussions with the Fifth Committee to delink ICSC appointments from those of other United Nations bodies.

Recommendation 2: To create a tripartite search committee which would develop a roster of candidates for appointment to ICSC.

Recommendation 3: To develop a profile of qualification requirements, including reference to the need for a range of experience between members.

## D. Terms of appointment of members

40. When the Commission reviewed its statute in 1980, it concluded that there was no difficulty with the four-year term of members nor with the procedures for reappointment contained in article 5. In addition to the present arrangements, a number of variants have been looked into:

(a) To limit service with the Commission to a maximum number of terms (e.g. two or three);

(b) To limit the term of appointment of members to one, non-re-electable period of seven or eight years;

(c) To replace members whose term of office had not expired with members elected for a full term, not only for the remainder of his or her predecessor's term (assuming, of course, that improved selection procedures are also in place);

(d) To leave vacant the seat of any member resigning in the third year of his or her term of office until the natural expiry of that term in order that the seat could be filled for the full four-year cycle on the due date. This would avoid the quasi-automatic reappointment or replacement of members from the same countries.

41. If the possibility of reappointment exists, then inevitably any candidate for reappointment may be subject to pressure. Moreover, there appears to have been a "tradition of reappointment" of the members themselves; or if not of the members, then many seats have remained the preserve of one or other Member State and become "hereditary". Whilst it is valuable to have a member coming from the country of the "comparator" civil service as a member of the Commission, there is nothing sacrosanct about the presence of specific nationalities.

42. Assuring continuity is, however, a very important aspect of membership; terms should not be too short. Some argue that restricting membership to a single term of office of seven or eight years is appealing but consider that such a period without reappointment is too long. Others prefer that the present four-year term be retained, but that a limitation be placed on the number of renewals. On balance, it is considered that the current arrangements are valid and should be retained.

43. Whilst the replacement of members whose terms have not expired by members appointed for full terms is also of interest, this might severely disrupt the process of turn-over vested in the system by which a fixed number of members is appointed each year. It is not recommended that the seats of members resigning in the third year of a term be left vacant; as with rosters prepared well in advance, it should be quite feasible to find suitable replacement candidates.

44. In this connection, it is considered appropriate to propose that the number of annual appointments be revised so that four seats would fall vacant in the first three years of a four-year cycle and three seats in the last year. Under the present arrangements, five seats fall vacant in each of the first three years and there are no appointments made in the fourth year.

Recommendation 4: To revise the cycle of appointments to four members in each of the first three years of a four-year cycle and to three members in the last year of the cycle.

## IV. ADMINISTRATIVE COMMITTEE ON COORDINATION, INTERNATIONAL CIVIL SERVICE COMMISSION AND THE GENERAL ASSEMBLY

45. The importance of strengthening the interrelationship between ICSC and the General Assembly has already been highlighted in the introduction to this report. ICSC's relationship with other governing bodies is equally important and sensitive, especially since it appears as if the Fifth Committee has become the sole focus for ICSC's report. There has been an increasing tendency for the governing bodies of the other organizations simply to rubber stamp the decisions of the Fifth Committee. This may have the advantage of enabling governing bodies to get on with technical business unencumbered by personnel concerns, but it reinforces the Fifth Committee's concentration on how these matters affect the United Nations, as well as its perceived lack of understanding for the needs of the specialized agencies.

46. This lack of understanding is mirrored in ICSC itself as the Commission focuses increasingly on the body from which it receives instructions, complaints and, not least, by which its members are appointed. There have been too few attempts to associate individual members of the Commission with the specialized agencies, and in particular their governing bodies. The potential for conflict between the General Assembly and other governing bodies is evident. There are instances of representatives of Member States in a governing body taking issue with their colleagues in the Fifth Committee on the appropriateness of the decisions made in New York. For its part, the General Assembly, in resolution 45/241, urged Member States "to ensure that their representatives in the meetings of the governing bodies of the organizations of the common system are informed of the positions taken by the Commission and the General Assembly in respect of United Nations common system conditions of employment".

47. There has also been little contact on an individual basis between the executive heads and the Fifth Committee. The Secretary-General, on behalf of ACC and the common system, has made many interventions in the Fifth Committee which have had an important impact on the Committee's discussions. Nevertheless, the presence of representatives of the specialized agencies would be of value, in order to reinforce the idea that the Committee's decisions must reflect the concerns of all the agencies making up the common system.

48. Decisions of both ICSC and the Fifth Committee are increasingly driven by financial considerations. The statute does not refer to financial implications, although the General Assembly has on occasion asked the Commission to provide these. On the other hand, rule 33 of the rules of procedure suggests that, before implementing a decision, ICSC must seek the financial implications from the participating organizations. The first part of the rule reads:

> "Neither the Commission nor any member to whom a function has been delegated shall make a substantive determination ... before having sought the views of the executive heads of the participating organizations concerned on the financial and administrative implications of implementing that determination and having received a report of the Executive Secretary thereon."

In the view of many executive heads, this provision means that the Commission should concentrate its attention on the substantive consideration of the issues, while leaving the determination as to how measures will be financed to the executive heads. In their view, ICSC has become over-preoccupied with financial considerations.

49. It would thus be appropriate for ACC to report on financial implications to the Fifth Committee on behalf of the organizations of the common system. It would also be appropriate to formalize ACC's role in the informal sessions of the Fifth Committee, where decisions are effectively taken. The presence of staff representatives in the informal consultations must also be formalized.

50. Some members of ICSC support the suggestion that its recommendations be submitted to the General Assembly together with the comments of ACC thereon. With respect to the suggestion that ACC, together with staff representatives, participate fully in the informal consultations of the Fifth Committee on the ICSC item, some members of the Commission suggested the following approach: if the Fifth Committee found it necessary to change on the spot a recommendation of the Commission, this should be done with the full participation of the ICSC secretariat, the organizations and the staff bodies; alternatively, it could be referred back to the Commission for reconsideration, although in this way a year would be lost.

51. FICSA endorses the proposals contained in paragraph 50 above; it would prefer, however, that ICSC's annual report be presented to the General Assembly in the form of a single set of (negotiated) recommendations rather than as a set of ICSC recommendations together with the comments of staff and administrations.

52. In furtherance of the above considerations, the following are recommended:

Recommendation 5: ACC should provide comments on ICSC's annual report; these comments would be presented to the General Assembly and to the other legislative bodies together with the annual report of the Commission.

Recommendation 6: ACC's representative(s) should address the Fifth Committee in connection with consideration of ICSC's report; to complement rule 33 of the rules of procedure, the ACC representatives would explain how the measures proposed by ICSC would be financed by the organizations of the common system.

Recommendation 7: ACC representative(s) and representatives of the staff should participate fully in the informal consultations of the Fifth Committee on the report of ICSC. Should the Fifth Committee, in the course of its review, find it necessary to change an ICSC recommendation, the Commission, the representatives of ACC and of the staff bodies should be invited to provide their views on such a change.

Recommendation 8: To further understanding of the different needs of the organizations, increased contact should be encouraged between Commission members and all organizations of the common system; this could include the extension of invitations to Commission members to attend "programme" or other meetings of the agencies and the participation of members of the Commission on field visits.

## V. LOCATION OF THE INTERNATIONAL CIVIL SERVICE COMMISSION

53. A change in ICSC's location has been carefully considered. It is important to recall that from the beginning of negotiations on the statute - in 1970 - it had been understood and accepted by all parties that ICSC would be located in Geneva. The change from Geneva to New York took place at the very last stages of the process of adopting the statute in the Fifth Committee.

54. The Fifth Committee record indicates that the change was adopted after a lengthy debate in which the lines were drawn between those who favoured Geneva because they thought the Commission's tasks would be carried out more effectively if its seat was near the largest number of organizations, and those who contended that, if based in Geneva, the Commission would be susceptible to more pressure and influence because of the large concentration of organizations and staff in Europe in general and Geneva in particular. The amendment to change the Commission's location was, however, politically rather than technically motivated.

55. The need for ICSC to maintain the closest links with all the organizations of the common system is an important element in the consideration of this question. It is, moreover, one of the goals of the current review. The organizations are headquartered in seven locations - five of which are in Europe. In all, there are well over 18,000 United Nations common system staff based on the European continent as opposed to 8,000 in North America - including those in Washington, D.C., Montreal as well as in New York. Several ICSC members favour a European site for the Commission "in order to facilitate contacts with the significant numbers of organizations ... based in Europe".

56. There is, however, need for the Commission - or at least its Chairman and Vice-Chairman - to remain in close contact with delegations. There is also a practical consideration about the location of the ICSC secretariat. It has proved most beneficial, in operational terms, for the ICSC secretariat to be situated close to organizations that provide data and other information used for the post adjustment system, the establishment of DSA rates and the "hardship" scheme.

57. Others would argue that, at the end of a period in which confidence in ICSC has tended to waiver, the maintenance in one location of the centre of decision-making power (the Fifth Committee) and the power of recommendation (ICSC) has exacerbated that crisis of confidence.

58. In the light of the above, the General Assembly is invited to consider the appropriateness of changing the location of ICSC.

## VI. ORGANIZATION AND MANAGEMENT OF THE INTERNATIONAL CIVIL SERVICE COMMISSION

59. A number of interrelated issues are covered in this section, including ICSC's work programme, the appointment and organization of the secretariat and the role and functions of the full-time members and of the Executive Secretary. Although many of the matters treated here should be dealt with by the Commission itself, the importance of streamlining the Commission's operations should be underlined.

60. The recommendations which follow, though closely linked, fall into two categories: (a) those which relate to the better and more efficient use of resources and are largely managerial and (b) those which relate to the focus of ICSC's programme of work and which may be deemed to be more concerned with policy.

61. On both managerial and policy counts, it is essential to ensure that issues taken up by ICSC are given an order of priority. This relates directly to the Commission's work programme. There is agreement in all quarters that it is essential to improve ICSC's work programme. Some members of the Commission see this as the "heart of the discussion" on functioning.

62. On the managerial level, concern has frequently been expressed that there has not been greater rationalization and streamlining of the Commission's work programme. The problems of overcharged agendas - often also the result of requests from the General Assembly - have been exacerbated by late documentation. The situation has tended to worsen in recent years though it has to be admitted that much of the pressure in 1988 and 1989 resulted from the additional workload occasioned by the comprehensive review of conditions of service of the Professional and higher categories.

63. One of the main problems appears to be the desire, albeit praiseworthy, to cover as much ground as possible. This means that:

(a) The Commission relies more and more heavily on the secretariat and the full-time members of the Commission;

(b) The time allotted to major issues does not allow for detailed review nor for the dialogue required between Commission members and the representatives of the organizations and staff;

(c) Some issues considered priorities by those who framed the statute (such as recruitment and career development) are not taken up or at least are not considered in the depth anticipated.

64. The policy aspect of the need to set priorities is also essential in the current review. A number of critics have expressed the view that ICSC has been too concerned to treat all issues of the common system in a regulatory manner. It has succeeded in doing so by failing to study in depth broader issues of personnel management such as recruitment and career development.

This is disturbing since one of the purposes of establishing the Commission was to provide for a body which would have the time to give a full and thorough technical exploration of all the factors involved in the issues under consideration.

65. Some critics would add that the end result has been ICSC's adoption of recommendations or decisions which were overly traditional and lacking in understanding for the difficulties facing different organizations. The General Assembly, in resolution 45/241, has itself requested the Commission to "resume its active consideration" of the substantial areas covered by articles 13 and 14 of its statute (on classification and personnel policy).

66. A number of suggestions for improvements have been made within the general framework of developing long-range and medium-range priorities; they are set forth in the following paragraphs.

67. In order to strengthen the Commission's role in the area of personnel management, its work programme should be reoriented so as to balance appropriately issues related to salaries and allowances and other issues such as personnel management, recruitment and career development.

68. As part of its work programme, the Commission should be invited to review and study the development of staff management relations in national civil services and to advise on the applicablity of these developments to the international civil service.

69. To enhance efficiency, a small steering committee or bureau should be created on a tripartite basis (members of the Commission and its secretariat together with representatives of organizations and staff) to determine which issues should be pursued, and to set out a timetable for their review in terms of a two-year planning cycle. Among the criteria used to determine which items should be given priority would be the extent to which these issues affected the common system. The steering committee's considerations would also ensure that substantive documents or outlines of studies were provided, in the necessary languages, well in advance of their consideration in the Commission or in tripartite working groups.

70. Implicit in the above recommendation is the element of scrutiny to which all proposals should be subjected whether they emanate from requests from the Commission secretariat, the organizations, the staff or the General Assembly. If such requests are found to be unreasonable either in terms of substance or of timing, then the party concerned - including the General Assembly - should be so informed and the matter rescheduled.

71. A study should be undertaken by ICSC of the optimum use of the time devoted to formal sessions and to that spent in tripartite working groups. In this connection, issues could be divided into technical and policy aspects. The technical aspects might then be reviewed in small groups (made up of members of the Commission and representatives of organizations and staff) meeting on different issues at the same time during the first week of each of

the Commission's two sessions per year in order to work out recommendations for the Commission as a whole. Alternatively, the work at the first session might be limited to meetings of technical working groups without convening the Commission as a whole; the reports of the working groups would then be considered by the Commission as a whole at its second session; consideration of matters in small groups would also help increase understanding of some of the highly complex issues with which the Commission has to deal. As part of the process, "portfolios" might be assigned to members of the Commission; such portfolios would relate to the areas of expertise of Commission members. The goal of these and other measures would be to maximize efficiency. Consideration could also be given to linking Commission sessions with workshops or symposia (open to a wider audience) with outstanding authorities in certain areas (such as human resource management or international public administration).

72. ICSC has one standing subcommittee, the Advisory Committee on Post Adjustment Questions (ACPAQ). Almost all the foregoing concerns - for nomination on the basis of qualification requirements, for a streamlined work programme, etc. - could equally be applied to ACPAQ, and ICSC should be invited to review ACPAQ's mandate. In recent years, concern has been expressed that there has been a tendency to refer to ACPAQ policy matters which should be dealt with by ICSC itself. This concern should be taken into account in the review of ACPAQ's mandate and programme of work in order to ensure that the Advisory Committee deal with matters for which it was established and for which it has the required competence. Obtaining the technical expertise for which ACPAQ was created could also be considered in a number of alternative ways. Either a technical subcommittee or a consultant could be requested to deal with these and other technical issues related to the salary survey methodologies, for example.

73. Some members of ICSC support the development of a long-term and medium-term work programme and the attempt to limit each agenda to five or six major items. There is also some support for greater delegation. On the other hand, some members are opposed to the suggestion that portfolios by subject area be assigned them and to the division of issues between their technical and policy aspects; there is considerable hesitancy about meeting in small groups.

74. In the light of the above, the following is recommended:

> Recommendation 9: The General Assembly is invited to endorse the recommendations relating to balancing the Commission's work programme, the creation of a steering committee, the division of work between sessions, the mandate of ACPAQ and the need for long- and medium-term priorities (contained in paras. 66 to 73 of the report) for submission to ICSC for appropriate action. These recommendations should be submitted to ICSC for appropriate action.

75. It is assumed that recent developments in respect of (a) the creation of tripartite working groups on selected issues, (b) consideration towards the

end of each Commission session of the agenda for the next session, and (c) arrangements to improve communications between the Chairman and the members of the Commission, including pre-session briefings, will continue to be part of the Commission's way of work and hence need not be the subject of separate recommendations.

## A. Appointment of senior staff

76. In delegating some of their powers to ICSC and sharing in the expenses of the Commission, the executive heads have a direct interest in the manner in which ICSC selects its staff. To meet that interest, it was agreed, under article 20 of the statute, that ACC would be consulted on the appointment of senior staff. To ensure that all organizations had an equal opportunity to propose candidates and to assess their qualifications, it was further agreed that the appointment of all staff would be subject to appropriate selection procedures. The consultative arrangements have not worked out as well in practice as had been intended and have become somewhat mechanical in application.

77. Moreover, in its early days, the majority of the Commission's senior staff were on secondment from the United Nations and the specialized agencies; for a number of reasons, fewer and fewer applications for vacant ICSC posts are being received from staff members of the common system, especially those stationed in Europe.

78. Some members of the Commission, for their part, have stressed the importance of ensuring that the ICSC secretariat should continue to be independent and free of all external influences and pressures. Ideally, in the view of some, the secretariat should not be attached to any one organization and should have its own conditions of service. Some members of the Commission also feel that the staff of the secretariat should reflect a balance between those seconded from the common system organizations and those recruited from outside to ensure objectivity and fresh thinking.

79. In order to strengthen the consultative arrangements for secretariat appointments, to allow for the broadest possible recruitment to the secretariat both from within and outside the common system and to increase secondments from the United Nations and the specialized agencies, the following is recommended:

> Recommendation 10: A small "search/appointment group" should be established on a tripartite basis to draw up a roster of potential candidates both from within and outside the common system for appointment to the ICSC secretariat.

## B. Interchange of ICSC secretariat staff and staff of organizations of the common system

80. As indicated above, in the late 1970s, the Commission secretariat was essentially composed of staff on secondment from the United Nations and the specialized agencies. There are a number of advantages in having staff members in the secretariat with knowledge and experience of different organizations of the common system. There is also merit in recruiting staff who bring experience from outside the system. In both cases, it is helpful to ensure that there is a free flow of experience between different secretariats. In this respect, the following is recommended:

> Recommendation 11: More visits by the ICSC secretariat members to specialized agencies should be encouraged. Arrangements to loan ICSC secretariat staff to organizations on request should be developed. Similarly, the secondment of staff from organizations to ICSC on both a short-term and long-term basis should also be encouraged.

81. While top calibre staff can do much to maintain the technical excellence of the secretariat, there is nevertheless a need in all such bureaucracies for a thorough look at the structure itself and its appropriateness to meet the demands of today's world. To this end the following is recommended:

> Recommendation 12: There should be a review of the organization of the secretariat in the light of new programme directives and technological change. In this review, careful consideration should be given to increasing the use of external sources; these could include consulting companies, university departments and experts from Member States.

## C. Role and functions of the full-time members of the Commission

82. In 1980, an ICSC Working Group looked at the possibility of the Commission electing its own Chairman and Vice-Chairman; the Working Group also reviewed the possibility of amending the statute in order to provide for the election of a permanent executive commissioner and a permanent joint executive commissioner to discharge the functions assigned to the Chairman and Vice-Chairman and to provide at the same time for the election of a Chairman and Vice-Chairman to preside over each of the Commission's sessions. In the end, the Commission decided that there was no need to amend the statute.

83. There has also been some discussion in the Fifth Committee about the full-time designation of the Chairman and Vice-Chairman and mention has also been made of having the Chairman elected from among the members on a non-full-time yearly rotational basis, with the possibility of re-election.

84. Concerns have also been expressed about the need to define more precisely the roles of the Chairman and Vice-Chairman and to provide for a clear allocation of duties between them.

85. Some members of ICSC felt that for continuity and follow-up, it was necessary to have a full-time Chairman; they did not feel that the post should rotate. Some members continued to feel that the Commission should be consulted on the appointment of the Chairman and Vice-Chairman.

86. It was reported to ACC in 1988 that it was not very practical to rotate the chairmanship of the Commission bearing in mind the nature of the Chairman's functions. This implied a preference for the maintenance of a full-time chairmanship of the Commission. The only merit in electing a permanent executive commissioner and a joint executive commissioner would seem to be to allow another Commission member to chair Commission sessions which could surely be accommodated by a revision to rule 25 of the rules of procedure. There would seem to be little to gain from changing the terms of office of the Chairman and Vice-Chairman from those of other members, unless they were to be elected for one year at a time from among the members on a rotational basis.

87. Nevertheless, the way the statute has worked appears to have blurred the lines of responsibility of the Commission's Chairman and the Executive Secretary. Article 8 assigns to the Chairman the duty of directing the work of the Commission and its staff. In part, this provision serves to explain the need for a full-time Chairman. It also reflects the principle that the responsibility for the substance of the work carried out by the Commission rests with the Commission itself and not with any other party. However, the difficulty of defining precisely the role of the Chairman vis-à-vis that of the Executive Secretary within the framework of articles 8 and 20 of the statute has been the subject of some concern in the Fifth Committee and elsewhere.

88. There is need for a proper separation of the executive from the administrative functions of the Chairman and Executive Secretary. The Chairman is not a member of the secretariat: it is as a Commission member that the Chairman's duties devolve. The Chairman should not be seen as a representative, or even more inappropriately, as the chief administrative officer of the secretariat - a function which is designated - albeit somewhat ambiguously given article 8 of the statute - to the Executive Secretary under rule 13 of the rules of procedure. Supervisory responsibility for the secretariat rests with the Executive Secretary. The Chairman should be in a position to react, positively or negatively, to proposals coming from the secretariat like any other member of the Commission.

89. A clarification is needed of articles 8 and 20 and rule of procedure 13 of the statute to better define the respective roles of the Chairman, Vice-Chairman and Executive Secretary as chief administrative officer of the secretariat and in terms of the preparation of documentation.

> Recommendation 13: ICSC should be invited to clarify the respective roles of the Chairman, Vice-Chairman and Executive Secretary in terms of articles 8 and 20 and rule of procedure 13 of the statute.

## Notes

1/ A World in Need of Leadership: Tomorrow's United Nations, Brian Urquhart and Erskine Childers, Dag Hammarskjöld Foundation, Uppsala, Sweden, 1990.

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